

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	)	
Jennifer Lavette Talton	)	<b>CHAPTER 7</b>
Sheldon Clay Talton	)	CASE NO.:05-78825-REB
Debtor(s)/Movant(s),	)	JUDGE: Brizendine
	)	
vs.	)	
Cavalry Portfolio Service(s), aka,	)	
Cavalry Portfolio Services, LLC	)	
for American Investment Bank, NA	)	
	)	
Respondent.	)	
	)	

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MOTION TO AVOID JUDICIAL LIEN

COMES NOW the Debtor(s), by counsel, and files the within Motion to Avoid Judicial Lien, and shows the Court as follows:

(1)

This Motion to Avoid Judicial Lien is filed by Debtor(s) under 11 U.S.C. ~522(f)(1) to avoid a judicial lien on property which the Debtor(s) may exempt under 11 U.S.C. ~522(b), to-wit, Debtor's real and/or personal property.

(2)

**Debtor(s) filed a Petition constituting an Order for Relief, herein, under 11 U.S.C., Chapter 7 on October 1, 2005.**

(3)

Judgment was obtained against Debtor in the Magistrate Court of DeKalb, County Georgia Case No. 04M04564 resulting in a judicial lien against Debtors' real and/or personal property.

(4)

Pursuant to 11 U.S.C. sec. 522(f)(2), Respondent's lien impairs the exemption claimed by Debtor in the real and/or personal property to the extent that the sum of (I) the amount of Respondent's lien, (ii) all other liens on the property described above and (iii) the amount of the exemption that Debtor could claim if there were no liens on the property exceeds the value that Debtor's interest in the property would have in the absence of any liens.

Wherefore, Debtor is entitled to entry of an order avoiding Respondent's lien against the exempt property described above.

Dated this 7<sup>th</sup> day of November, 2005.

Respectfully submitted,

/s/

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SHARON S. BROWN  
Attorney for: Debtor  
State Bar No.: 089632

**S.S. BROWN & ASSOCIATES, P.C.**  
4296 MEMORIAL DRIVE  
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DECATUR, GEORGIA 30032  
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	)	
Respondent.	)	
_____	)	

NOTICE OF REQUIREMENT OF RESPONSE TO MOTION TO  
AVOID JUDICIAL LIEN ON EXEMPT PROPERTY AND OF TIME TO FILE SAME

NOTICE IS HEREBY GIVEN that a Motion to Avoid Judicial lien on exempt property pursuant to 11 U.S.C. ~522 (f)(1)(b) has been filed in the above-styled case on November 7, 2005.

NOTICE IS FURTHER GIVEN that, pursuant to BLR 6008-2 NDGa., the Respondent must file a response to the Motion within 20 days after service, exclusive of the day of service, and serve a copy of same on Movant. In the event that no response is timely filed and served, then the Bankruptcy Court may enter an order granting the relief sought.

Dated this 7<sup>th</sup> day of November, 2005.

Respectfully submitted,

/s/  
\_\_\_\_\_  
SHARON S. BROWN  
Attorney for: Debtor  
State Bar No.: 089632

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**CERTIFICATE OF SERVICE**

I, Sharon S. Brown, certify that I am over the age of 18 and did serve a copy of the foregoing Motion to Avoid Judicial Lien & Notice upon the following persons or entities at the addresses stated below:

Janet G. Watts  
Chapter 7 Trustee  
600 North Glen Street  
Suite C  
Fayetteville, Georgia 30214

Cavalry Portfolio Service(s), aka,  
Cavalry Portfolio Services, LLC  
A Division of Calvary Investments, LLC  
c/o Alfred J. Brothers, Executive Vice President  
7 Skyline Drive, 3<sup>rd</sup> Floor  
Hawthorne, New York 10532

American Investment Bank, NA, nka,  
American Investment Holdings, LLC  
200 East South Temple  
Salt Lake City, UT 84111

American Investment Bank, NA, nka,  
American Investment Holdings, LLC  
A division of Leucadia National Corporation  
c/o Joseph S. Steinberg, President & Director  
315 Park Avenue South  
New York, NY 10010

by placing said copy into the United States Mail, with adequate postage to ensure delivery of the same.

Dated this 7<sup>th</sup> day of November, 2005.

/s/ \_\_\_\_\_  
SHARON S. BROWN  
Attorney for: Debtor  
State Bar No.: 089632

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